

Message Text

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PAGE 01 JAKARTA 14513 030342Z

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ACTION EA-06

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC PRIORITY 5501

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EA/IMS FOR AMBASSADOR NEWSOM

E.O. 11652: GDS

TAGS: PLOS ID

SUBJ: LAW OF THE SEA

REFS: A) STATE 262657 B) JAKARTA 14501

1. YOU WILL HAVE SEEN THAT REPORT OF MY CALL
ON SOEDARMONO DEC 2 (REF B) DEALS WITH CERTAIN OF
POINTS YOU RAISE IN REF A. DOEDARMONO'S PREFERENCE
THAT DECEMBER 9-10 TALKS RESULT IN "AGREED NOTE"
RATHER THAN "SEPARATE NOTES" CONFIRM YOUR IMPRESSION
THAT HE, AT LEAST, CLEARLY RECOGNIZES LINK BETWEEN
US SUPPORT FOR ARCHIPELAGO THEORY AND INDONESIAN
SUPPORT FOR UNIMPEDED TRANSIT THROUGH ARCHIPELAGIC
AND STRAITS WATERS. EARLY MEETING BETWEEN MOORE
AND SOEDARMONO (WHICH LATTER HAS WELCOMED) AND
MEETINGS WE SEEKING FOR MOORE WITH MOCHTAR AND
PANGGABEAN WILL PROVIDE OPPORTUNITY TO ENSURE THERE
NO MISUNDERSTANDING ON THIS ESSENTIAL LINK.

2. WE AGREE THAT THORNIEST QUESTION MAY WELL BE
ONE OF HOW BOTH SIDES CAN BRING INTO OPEN, IN MOST
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PAGE 02 JAKARTA 14513 030342Z

POLITICALLY FAVORABLE MANNER, ANY AGREEMENT REACHED

IN DECEMBER 9-10 TALKS. WE ENTIRELY AGREE WITH
REASONS BEHIND YOUR BELIEF THAT IT BEST TO PROPOSE
THAT ANY STATEMENT ON ARCHIPELAGO THEORY AND STRAITS
ISSUE BE MADE BY TWO GOVERNMENTS SHORTLY BEFORE GENEVA
CONFERENCE OR DURING CONFERENCE.

3. AT SAME TIME WE CANNOT HELP WONDERING WHETHER SOME
WITHIN GOI MAY NOT BALK AT IDEA OF GOI MAKING PUBLIC
STATEMENT BEFORE OR EVEN AT GENEVA GIVING SUPPORT TO US POSITION
RE UNIMPEDED PASSAGE UNLESS AND UNTIL GOI HAS REACHED
UNDERSTANDING WITH PHILIPPINES (RE PASSAGE THROUGH
ARCHIPELAGOES) AND MALAYSIA (RE PASSAGE
THROUGH MALACCA STRAIT), IN VIEW OF POSITIONS WHICH
HAVE BEEN JOINTLY ESPoused IN RECENT YEARS. WHILE IT
POSSIBLE SOEDARMONO AND OTHERS CONCERNED LARGEly WITH
LOS ISSUES MAY FIND IT FEASIBLE PUBLICLY DISREGARD
VIEWS OF ASEAN BREtheren, WE ARE NOT SURE OTHER GOI
LEADERS WILL BE SIMILARLY PREPARED. (WE FEEL THIS
MORE STRONGLY IN CASE OF MALAYSIA THAN IN PHILIPPINES
WHERE INDONESIANS HAVE AT TIMES INDICATED PHILS SO
OBDURATE GOI WILL HAVE TO GO IT ALONE.)

4. WE SUGGEST, THEREFORE, THAT US TEAM, AS IT PREPARES
FOR TALKS HERE, CONSIDER POSSIBILITIES:
(A) OF LESS THAN WHOLEHEARTED INDONESIAN REACTION
TO US PROPOSAL FOR PUBLIC "LINGAGE" STATEMENT (OR STATEMENTS);
(B) WHETHER THERE MIGHT BE OTHER WAYS, SATISFACTORY
TO US, THAT "LINGAGE" AGREEMENT CAN BE BROUGHT INTO OPEN.
WE COULD ENVISAGE INDONESIAN SIDE WELCOMING (AND PERHAPS
PROPOSING) SOME SORT OF ARRANGEMENT WHERE US WOULD PUBLICLY
SUPPORT ARCHIPELAGO PRINCIPLE IN GENERALIZED TERMS WHILE
INDONESIA WOULD NOTE IN GENERALIZED TERMS ITS SUPPORT FOR
PASSAGE--WITH PRIVATE UNDERSTANDING INDONESIA WOULD
VOTE IN SUPPORT OF SPECIFICALLY-AGREED ARRANGEMENTS WHEN
THESE PROPOSED BY US OR THIRD POWER.
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